

United States District Court

for the
Western District of New York



United States of America

v.

Case No. 19-MJ-4156

MICHAEL J. TRUESDAIL

Defendant

CRIMINAL COMPLAINT

I, KENNETH A. JENSEN, JR., Special Agent with the United States Federal Bureau of Investigation, the complainant in this case, state that the following is true to the best of my knowledge and belief:

Between on or about March 26, 2019 and March 27, 2019, in the Western District of New York, the defendant **MICHAEL J. TRUESDAIL** violated Title 18 U.S.C. §§ 2252A(a)(2) and 2252A(a)(5) & (b)(2) offenses described as follows:

the defendant did knowingly receive and possess child pornography involving prepubescent minors that had been transported in or affecting interstate or foreign commerce, including by computer, in violation of Title 18, United States Code, Sections 2252A(a)(2) and 2252A(a)(5) & (b)(2).

This Criminal Complaint is based on these facts:

SEE ATTACHED AFFIDAVIT OF KENNETH A. JENSEN, JR., SPECIAL AGENT, F.B.I.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: October 25, 2019

City and State: Rochester, New York

Complainant's signature

KENNETH A. JENSEN, JR., Special Agent F.B.I.
Printed name and title

Judge's signature

MARIAN W. PAYSON, United States Magistrate Judge
Printed name and title

19-mj-4156

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF MONROE) ss.:
CITY OF ROCHESTER)

KENNETH A. JENSEN JR., being duly sworn, deposes and states:

1. I am a Special Agent (“SA”) of the Federal Bureau of Investigation (“FBI”) and, as such, I am an investigative or law enforcement officer of the United States, empowered to perform investigations and arrests related to violations of federal law, including violations of 18 U.S.C. §§ 2252A(a)(2) (Receipt and Distribution of Child Pornography) and § 2252A(a)(5) and (b)(2) (Possession of Child Pornography Involving Prepubescent Minors). I have been employed as a Special Agent with the FBI since March of 2002 and am currently assigned to the Corning, New York, Resident Agency.

2. This affidavit is submitted in support of an application for a complaint charging MICHAEL J. TRUESDAIL (“TRUESDAIL”) with violating 18 U.S.C. § 2252A(a)(2) (Receipt and Distribution of Child Pornography) and § 2252A(a)(5) and (b)(2) (Possession of Child Pornography Involving Prepubescent Minors).

3. This affidavit is based on my investigation and on information provided to me by members of the law enforcement community. Because this affidavit is being submitted for the limited purpose of establishing probable cause to secure a complaint, I have not included each and every fact known to me concerning the investigation. Instead, I have set forth only the facts which I believe are necessary to establish probable cause to believe that TRUESDAIL is responsible for multiple violations of Title 18, United States Code, Sections 2252 and 2252A, related to the possession, receipt, and distribution of child pornography.

INVESTIGATION

4. On March 26, 2019, a federal search warrant was issued commanding the search of 236 Henry Street, Montour Falls, New York, (TRUESDAIL's residence) based primarily on the distribution of child pornography from the residence. The search warrant was executed the following day, March 27, 2019, and a number of items of electronic evidence seized. Also on March 27, 2019, I conducted an interview with TRUESDAIL at his place of employment.

5. At the outset of the interview, TRUESDAIL was informed that he was free to leave at any time, that he was not under arrest, and that there were no plans to arrest him at that time. TRUESDAIL acknowledged the admonishment. TRUESDAIL was informed about the execution of the search warrant at his home, and asked if he knew why that might be. TRUESADAIL responded affirmatively, and then made a statement about knowing it was going to catch up with him. TRUESDAIL admitted to being addicted to illegal pornography for a long time.

6. TRUESDAIL provided that several electronics of his had been used to interact with child pornography, including a grey laptop in his bedroom, a tower computer in the living room, a tablet computer in his bedroom, and his cellular telephone which was located on his person. TRUESDAIL added that there was a silver thumb drive either plugged into his laptop, or on his nightstand, that had contained child pornography. TRUESDAIL was not sure any of his devices would contain active child pornography files, because he deleted his collection periodically.

7. TRUESDAIL was shown a series of nine images, which had been distributed from the internet connection at his residence, to an FBI agent located in Texas, on January 28, 2019. Based on my training and experience, I believe the images constitute child pornography as defined in 18 U.S.C. § 2256. TRUESDAIL was asked if he recognized the images. TRUESDAIL qualified his answer by stating many of the victims were younger than his age preference (9 to 14 years of age), and that he had seen so much child pornography that he could not be sure that he had seen all of the images before. Thereafter, TRUESDAIL indicated that he was certain that he recognized five of the images.

8. The electronics that were seized from TRUESDAIL's residence were analyzed and a description of the results of the analysis follows. A Lenovo ideapad laptop computer was found in a bedroom of the residence, which I believe was the room TRUESDAIL described during my interview with him. Plugged into the laptop, at the time of seizure, was a small silver Kingston brand USB thumb drive. The label on the back of the laptop computer contains the wording "Made in China".

9. Analysis of the laptop provided indications that TRUESDAIL was a user of the laptop. Also discovered were more than 300 images which, based on my training and experience, I believe depict child pornography as defined in 18 U.S.C. § 2256. Within the images recovered from the laptop are depictions of children engaged in oral, anal, and vaginal sex, with other children and with adults, as well as lude and lascivious display of the victim's genital area.

10. Analysis of the thumb drive located seven video files and six image files which, based on my training and experience, I believe depict child pornography as defined in 18 U.S.C. § 2256.

11. A generic tower style computer was also seized from the home and analyzed. The computer employed a SanDisk solid state hard drive for storage. On the label for the hard drive the wording “Made in China” appears. Analysis of the tower computer provided indications that TRUESDAIL was a user of the computer. The analysis located more than 300 images which I believe depict child pornography as defined in 18 U.S.C. § 2256. Within the images recovered from the tower computer are depictions of children engaged in oral, anal, and vaginal sex, with other children and with adults, as well as lude and lascivious display of the victim’s genital area.

12. Three other removable electronic storage devices were discovered to contain files depicting child pornography as defined in 18 U.S.C. § 2256.

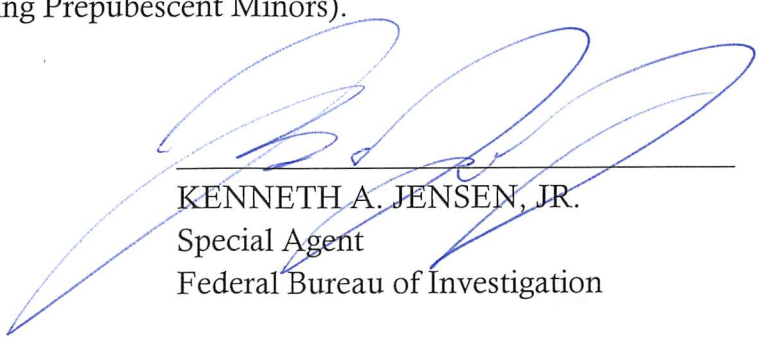
13. A Western Digital, My Book, external hard drive with the wording “Product of Thailand” on the product label, and containing a western digital hard drive within the outer shell, with a label containing the wording “Product of Thailand” was discovered to contain more than 1,000 images of child pornography fitting the general description of those files already described.

14. A DataTraveler USB thumb drive, with the word China printed on its exterior was discovered to contain more than 1,000 images of child pornography fitting the general description of those files already described.

15. A Kingston micro SD card with the word Japan printed in its exterior was discovered to contain two video files of child pornography fitting the general description of those files already described.

CONCLUSION

16. Based on the foregoing, I submit that probable cause exists to believe that TRUESDAIL is responsible for committing multiple violations of 18 U.S.C. § 2252A(a)(2) (Receipt and Distribution of Child Pornography) and § 2252A(a)(5) and (b)(2) (Possession of Child Pornography Involving Prepubescent Minors).



KENNETH A. JENSEN, JR.
Special Agent
Federal Bureau of Investigation

Sworn to before me this
25 day of October, 2019.



MARIAN W. PAYSON
United States Magistrate Judge